IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4343 of 2007()

CRIME NO.165 OF 2007 OF KUNNAMANGALAM POLICE STATION,KOZHIKODE

: PETITIONER/ACCUSED

SIVADASAN, AGED 45 YEARS,
S/O. GOVINDANKUTTY, PILATHOTTATHIL HOUSE,
POOLAKODAMSOM, CHOOLOOR DESOM, POST VELLASSERI,
KOZHIKODE TALUK.

BY ADV. SRI.R.SUDHISH
SMT.M.MANJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, KUNNAMANGALAM
POLICE STATION, KOZHIKODE DISTRICT, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4343 of 2007

Dated this the 18th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Section 376 and 452 I.P.C. The alleged victim is a woman aged about 26 years. The crime has been registered on the basis of a private complaint filed by her on 07.06.07. She is a woman residing away from her husband on account of strain in the matrimony. In the private complaint filed on 07.06.07, she made an allegation that the petitioner had committed rape on her on 31.3.07 after trespassing into her house. She allegedly became pregnant in such relationship. She was taken to the hospital for abortion by the petitioner. The pregnancy was aborted. Later, her mother came to know of the rape, pregnancy and the abortion. It is then that she revealed all the details and chose to file the private complaint. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays that anticipatory bail may, in these circumstances, be granted to the petitioner. The learned Public Prosecutor does not resist the prayer. In the circumstances which I have broadly indicated already, I am satisfied that anticipatory bail can be granted to the petitioner. No

further detailed discussion appears to be necessary in the light of the facts already indicated. Appropriate conditions can of course be imposed.

3. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 25.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 1 p.m on 26.07.2007 and 27.07.2007. During this period the police shall be entitled to question the petitioner in custody and get the potency conducted. Thereafter the petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest

the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 25.07.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 25.07.07.

(R.BASANT, JUDGE)

rtr/-